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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,425	01/30/2004	Melora Zaner	MSI-1911US	8017
22801 7590 06/02/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER HUSSAIN, TAUQIR				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/769,425

**Applicant(s)**

ZANER ET AL.

**Examiner**

TAUQIR HUSSAIN

**Art Unit**

2452

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15, 17-21, 32, 34, 35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-13, 15, 17-21, 32, 34, 35 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 03/15/2004.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to amendment /reconsideration filed on 03/12/2009, the amendment/reconsideration has been considered. Claims 14, 16, 22-31 and 33 have been canceled. Claims 1-13, 15, 17-21, 32, 34, 35 and 37 have been amended and therefore, claims 1-13, 15, 17-21, 32 and 34-39 are pending for examination, the rejection cited as stated below.

***Response to Arguments***

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

3. Rejection to claim 32 is maintained from last office action dated 11/12/2008, uses a language as recited in the claim "individual ones of the two or more members May be offline" which does not further limit the claim and therefore, appropriate correction is required. The use of the term "may" renders the limitation optional and therefore not part of the claim's interpretation. Assuming the members are offline then following said claim interpretation would not apply to rest of the claim limitations.

***Claims***

4. Claims 1 and 32 are written in alternative form reciting e.g. "a group activities menu comprising one or more selectable items representing social activities" in line 21, claim 1 and "individual ones of the two or more members may be offline" or "displaying a collection of one or more selectable items" or wherein the collection of one or more selectable items" in lines 15, 39 and 43 respectively in claim 32. Therefore examiner

elects first phrase and treats the limitations based on a single/one criteria for examining purpose. It is further noticeable that giving the broadest interpretation to the claim limitation as if there is only one activity to select then both the users using mobile or non-mobile devices will be selecting the same activity with varying level of the same application supported by device capability.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 32 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 describes "a group activities menu comprising one or more selectable items representing social activities in which the first user, as a member of a selected group may participate, such that a plurality of group activities in which a member of selected group who is logged on via a mobile device may participate is different than a ....". Giving the claim limitation a broadest interpretation there can be only one item to select or menu contains only one item. If there is only one item then regardless of logged on device the selected activity will be the same activity and confusion arises as how the activity will be different?

8. As to claim 32, same rationale applies, where limitation recites as, "displaying a collection of one or more selectable items, each representing a social activity in which

the user may participate as part of the online social group represented by the particular one of the visual representations of the online social groups, wherein the collection of one or more selectable items, each representing a social activity is different than a collection of social activities available to another member of the same online".

Considering there is only one item to select from menu then how can it be different from other? It means there will be same item available to select for both the devices and group members.

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-15, 20-34 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (Patent No.: US 5793365), hereinafter "Tang" in view of Lee et al. (Patent No.: US 7330845 B2), hereinafter "Lee" and further in view of Simpson et al (Pub. No.: US 2008/0168138 A1), hereinafter "Simpson".

11. As to claim 1, 20, and 32, Tang discloses, a group identification area configured to display visual representations of a plurality of online social groups in which the first user is a member (Tang, Fig.1A, Fig.5, Col.4, lines 66-67, where distributed group are displayed on user interface and user is a member of the group and further element-24 discloses the available activities e.g. file or document sharing, email etc.);

visual representations of online social groups are automatically arranged by at least one of a geographic location associated with a member of one of the online social

groups (Tang, Fig.9, Col.10, lines 55-60, where chat room directory has a listing of groups along with geographic location), a date and time of a most recent communication between the first user and another member of one of the online social groups (Tang, Fig.4 and Fig.9, Col.10, lines 67 and Col.11, lines 1-3, where date and new information since last visited are some criteria among others are disclosed).

Tang discloses the concept of monitoring other users interaction by frequently updating activities (Tang, Abstract), Tang however is silent on disclosing explicitly a frequency of communication between the first user and another member of one of the online social groups.

A group activity menu comprising one or more selectable items representing social activity in which the first user, as a member of a selected group may participate, such that a plurality of group activities in which a member of the selected group who is logged on via a mobile device may participate is different than a plurality of group activities in which a member of the selected group who is logged on via a non-mobile device may participate (Tang, Col.4, lines 14-28, Tang addresses the issue of selecting activities via different devices with varying levels of hardware support to use the system. Tang has taken in account that device limitation or capability can use the same application according to supporting hardware. So if user logs on from home computer may have limited resources for real time audio or video capture, while other group members may have these features available in there devices. Therefore, Tang provides the communication architecture supports connection between group members in variety

of modes e.g. audio, video, text as a function of the user's device preferences and capability).

Lee however discloses the concept of monitoring the frequency of communication between the first user and another member of one of the online social groups (Lee, Col.4, lines 15-20, where user interaction filter is used and well known in the art to keep track of user interaction or how frequently user visits the certain object);

Therefore it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Tang with the teachings of Lee in order to system for social visualization that permits determining common as well as complementary interests among a plurality of users having more than one interest and to provide an environment that permits users (a) to be aware of other people, their activities and social interactions and (b) to explore and learn about other people's activities and social interactions to determine common or complementary interests.

Tang and Lee however are silent on disclosing explicitly; a user's membership in the group is maintained when the user is offline;

Simpson however discloses a similar limitation as, "a user's membership in the group is maintained when the user is offline" (Simpson, [0083], where Instant messaging service notifies offline subscribers when a buddy from the offline subscriber's buddy list logs onto the IM service, which means buddy list is still maintained while subscriber to the buddy list happened to be offline).

Therefore it would have been obvious to the one of the ordinary skill in the art at the time the invention was made to combine the teachings of Tang and Lee with the

teachings of Simpson in order to provide a system where the offline communication notifies the offline user of the online interaction in which the offline user could participate. Examples of the offline communication include calls to a wireline telephone, calls to a wireless telephone, messages to a caller identification device, messages to a wireless access protocol device, messages to a one-way pager (i.e., a pager that receives but does not transmit), and messages to an interactive pager. The offline communication can relate the notification criteria, the fact that the notification criteria have been satisfied, and the time and date that the notification criteria were satisfied.

12. As to claim 2, Tang, Lee and Simpson discloses the invention substantially as in parent claim 1 above, including, wherein a selected group is represented by one of the visual representations (Tang, Fig.1A, Abstract, where user's workgroups are visually represented), the graphical user interface further comprising a group details area configured to display a group name associated with the selected group (Tang, Fig.1A, 1B, Abstract, where workgroup means the description of group is listed).

13. As to claim 3, Tang, Lee and Simpson discloses the invention substantially as in parent claim 1 above, wherein the visual representations of online social groups are filtered, at least in part, based on geographical location information associated with one or more members of the online social groups (Tang, Col.2, lines 20-25, where concept of filtering users by physically same location is disclosed).

14. As to claim 4, Tang, Lee and Simpson discloses the invention substantially as in parent claim 1 above, including, wherein the visual representations of online social



groups are filtered, at least in part, based on frequency of communication between the first user and one or more members of the online social groups (Lee, Col.4, lines 15-20, where user interaction filter is used and well known in the art to keep track of user interaction or how frequently user visits the certain object).

15. As to claim 5, is rejected under for same rationale as applied to claims 2-4 above as filtering is applied to all these claims and can be customize according to preference.

16. As to claim 6, Tang, Lee and Simpson discloses the invention substantially as in parent claim 1 above, further comprising a personal representation area configured to display a configurable avatar associated with the first user (Tang, Col.3, lines 63-65, where displayed icons are equivalent to avatar).

17. As to claim 7, Tang, Lee and Simpson discloses the invention substantially as in parent claim 6 above, including, wherein the avatar comprises a visual representation of the first user that is displayed to other online members of online social groups to which the user belongs (Tang, Fig.28a-e, where icons are showed to transitional effects).

18. As to claim 8, Tang, Lee and Simpson discloses the invention substantially as in parent claim 6 above, including, wherein the avatar comprises a visual representation of the first user that is displayed to other online individuals with which the first user has a relationship (Tang, Fig.2, icon 17, Col.5, lines 1-10, which describes and displays the information about the user).

19. As to claims 9 and 10 are rejected under for same rationale as applied to claim 7 and 8 above.

20. As to claim 11, Tang, Lee and Simpson discloses the invention substantially as in parent claim 6 above, including, wherein the personal representation area is further configured to display a username associated with the first user (Tang, Fig.1B, where Trevor Morris is the username associated with the first user).

21. As to claim 12, Tang, Lee and Simpson discloses the invention substantially as in parent claim 1 above, including, further comprising a group details area configured to display data associated with a selected one of the plurality of online social groups (Tang, Fig.1A, Col.5, lines 1-10, which describes and displays the data and information about workgroups e.g. video images, text strings etc.)

22. As to claim 13, Tang, Lee and Simpson discloses the invention substantially as in parent claim 1 above, including, wherein the data comprises at least one of a group name associated with the selected group, presence information associated with the selected group, presence information associated with online members of the selected group, and a visual representation of an activity in which one or more online members of the selected group are participating (Tang, Fig.9, Col.10, lines 54-55, where topic represents the group name associated with the selected group, Col.10, lines 51-52, since it is a chat room therefore presence is real time, Col.11, lines 1-3, where selected group member joining the group represents the presence of the user and Fig.5, window

30, Col.10, lines 60-65, represents and displays the members who are part of the discussion group).

23. As to claims 14 and 15, are rejected under for same rationale as applied to claim 13 above. Additionally all the limitations e.g. inviting, calling, sending wink, sending bubble, sending file sharing an image, sharing audio and viewing or monitoring group history are the core concept of instant messaging and online chatting which are well covered through out the cited references by Tang and Lee and are also well known in the art.

24. As to claim 21, Tang, Lee and Simpson discloses the invention substantially as in parent claim 1 above, including, wherein the mobile device comprises at least one of a cellular telephone, a personal digital assistant (Lee, Col.6, lines 35-45, where devices are disclosed and further it will be obvious to include the other well known devices in the technology as claimed in the e.g. a car stereo system, a portable television, a portable DVD player, a portable stereo system, a wearable computing device, a watch, a bracelet, a necklace, a pendant, and a digital picture frame).

25. As to claim 34, is rejected under for same rationale as applied to claims 20 above.

26. As to claim 36, Tang, Lee and Simpson discloses the invention substantially as in parent claim 32 above, including, receive a user selection of a graphical element and an audio element (Tang, Fig.5, Col.9, lines 30-35); and

transmit the graphical and audio elements to a group member such that in an event that the group member is online, the graphical and audio elements are automatically presented to the group member (Tang, Fig.5, Col.9, lines 22-32, where audio and video chatting is disclosed).

27. As to claim 37, Tang, Lee and Simpson discloses the invention substantially, including,

a device-specific processor (Tang, Abstract, where computer obviously has a specific processor);

a communication interface configured to establish a connection between the mobile device and another device (Lee, Fig.1, Col.6, lines 35-45, where devices are disclosed as mobile devices connected via network 100 to server 400 or 200); and

a user interface executed by the device-specific processor to enable a user of the mobile device to participate in an online group interaction with one or more other members of a group (Lee, Fig.1, Col.6, lines 35-45, where mobile device has a user interface and communicating with group members via system 400 or 200),

wherein membership in the group is maintained when a user is offline (Simpson, [0083], where Instant messaging service notifies offline subscribers when a buddy from the offline subscriber's buddy list logs onto the IM service, which means buddy list is still maintained while subscriber to the buddy list happened to be offline).

28. As to claim 38, Tang, Lee and Simpson discloses the invention substantially as in parent claim 27 above, including, implemented as a cellular telephone (Lee, Col.6, line 45, where Nokia 9000 is a cellular telephone).

29. As to claim 39, is rejected under for same rationale as applied to claim 13 and 15 above.

30. Claims 16-19 and 35 are rejected under 35 U.S.C 103(a) as being unpatentable over Tang, Lee and Simpson as applied to claims 1-15, 30 and 32 above, in view of Puskala et al. (Pub. No.: US 2002/0165024 A1), hereinafter "Puskala".

31. As to claim 16, Tang, Lee and Simpson disclose the invention substantially as in parent claim 14 above, including chat capable mobile phones participating in a chat group among non mobile devices (Lee, Fig.1, elements 1300 Col.6, lines 38-45).

Tang, Lee and Simpson however are silent on explicitly disclosing, wherein the group activities in which a member of the selected group who is logged on via a mobile device may participate comprise a subset of group activities in which a member of the selected group who is logged on via a non-mobile device may participate.

Puskala however discloses, wherein the group activities in which a member of the selected group who is logged on via a mobile device may participate comprise a subset of group activities in which a member of the selected group who is logged on via a non-mobile device may participate (Puskala, Fig.5, 6 and 7, [0030], where chatting between mobile devices are disclosed).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Tang, Lee and Simpson as applied to claims 1-15 above with the teachings of Puskala in order to provide a predefined messaging system that can be automated to be sent automatically upon the occurrence of a particular event. The predefined messages on the game or game system allow players to communicate more effectively and make the communication more amusing.

32. As to claims 17, Tang, Lee, Simpson and Puskala discloses the invention substantially as in parent claim 16 above, including, wherein the non-mobile device comprises a desktop computer system (Puskala, [0004], where PC is a non-mobile device).

33. As to claim 18, Tang, Lee and Simpson disclose the invention substantially as in parent claim 14 above, including, mobile and on-mobile participating in a chatting group activity (Lee, Fig.1, elements 1300 Col.6, lines 38-45).

Tang, Lee and Simpson however are silent on disclosing explicitly, wherein the social activities are not available to a group member who is logged on via a non-mobile device.

However, Puskala discloses the similar concept of device oriented specific activities as, wherein the social activities are not available to a group member who is logged on via a non-mobile device (Puskala, [0006], where predefined messages are offered over wireless networks as compared to regular audio/video streaming, internet

etc. It will further be obvious to modify the invention with subset of activities to device specific because of device capability).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Tang, Lee and Simpson as applied to claims 1-15 above with the teachings of Puskala in order to provide a predefined messaging system that can be automated to be sent automatically upon the occurrence of a particular event. The predefined messages on the game or game system allow players to communicate more effectively and make the communication more amusing.

34. As to claims 19 and 35, are rejected under for same rationale as applied to claim 17 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571 272 3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H./  
Examiner, Art Unit 2452

/Dohm Chankong/  
Primary Examiner, Art Unit 2452